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**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Applicant(s): Mark E. Dristy, et al.

Docket No.

PES-0048

Application No.

09/965,675

Filing Date

September 27, 2001

Examiner

M. Ruthkosky

Group Art Unit

1745

Invention: APPARATUS AND METHOD FOR MAINTAINING COMPRESSION OF THE ACTIVE AREA IN AN ELECTROCHEMICAL CELL

I hereby certify that this Request to Consider IDS & Comments on Statement for Reasons for Allowance (2 pgs)  
(Identify type of correspondence)

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on January 20, 2005

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Sonia Mancini

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Sonia Mancini  
(Signature)

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PES-0048

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark E. Dristy, et al. )  
Serial No.: 09/965,675 ) Group Art Unit: 1745  
Filed: September 27, 2001 ) Examiner: M. Ruthkosky  
For: APPARATUS AND METHOD FOR )  
MAINTAINING COMPRESSION )  
OF THE ACTIVE AREA IN AN )  
ELECTROCHEMICAL CELL )

VIA FACSIMILE: (703) 872-9306  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO CONSIDER IDS and**  
**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

This correspondence is submitted in response to the Notice of Allowance and Fees Due dated November 26, 2004.

**Information Disclosure Statement**

Applicants respectfully request that the Examiner consider the art submitted in the Information Disclosure Statement and associated PTO Form 1449 mailed November 8, 2004 and received by the USPTO on November 10, 2004 (see IFW in PAIR). Applicants also respectfully request a copy of a fully initialed PTO Form 1449 and a supplemental Notice of Allowance.

PES-0048

Comments on Statement of Reasons for Allowance

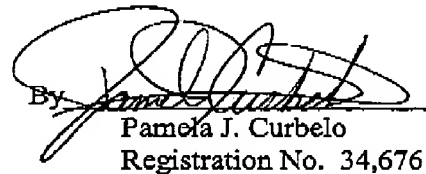
Claims 2 – 11 and 43 – 70 have been allowed. In the Examiner's reasons for allowance, it is stated that "the plate includes a plurality of raised portions concentrically disposed thereon and receive compression members are there between." (Notice of Allowance, Page 3).

Applicants note that the claim element is not that the raised portions "receive compression members", but that the "raised portions being configured to receive compression members therebetween". (Claims 4 and 60).

If there are any charges with respect to this correspondence or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

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